

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

DARRELL WAYNE WISE

PLAINTIFF

v.

No. 05-2132

MICHAEL OGLESBY;  
LARRY CLARK; WAYNE  
THOMPSON; BILLY RYAN;  
TOMMY HUBBBARD; and  
LEONARD LAWLER

DEFENDANTS

**ORDER**

Now on this 7th day of March 2007, there comes on for consideration the report and recommendation filed herein on February 16, 2007, by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas. (Doc. 41). No written objections to the report and recommendation were filed.

The court has reviewed this case and, being well and sufficiently advised, finds as follows: The report and recommendation is proper and should be and hereby is adopted in its entirety. Accordingly, the motion for summary judgment filed by Separate Defendants Tommy Hubbard and Leonard Lawler (Doc. 30) is GRANTED, and these Separate Defendants are DISMISSED.

The motion for summary judgment filed by Separate Defendants Michael Oglesby, Larry Clark, Wayne Thompson and Billy Ryan (Doc. 26) is GRANTED IN PART AND DENIED IN PART. Specifically, the motion is GRANTED as to the following claims: (1) Plaintiff's claim that excessive force was used against him by Billy Ryan; and (2) Plaintiff's claim that he was denied an adequate grievance

procedure and/or access to legal materials or a law library. The motion is DENIED with respect to Plaintiff's claim that he was denied adequate medical care. Further, Plaintiff's claim that he was retaliated against for submitting grievances and/or requesting medical care remains.

IT IS SO ORDERED.

/s/ Robert T. Dawson  
Honorable Robert T. Dawson  
United States District Judge